

No. _____ 05-626 SEP 10 2005

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In The
Supreme Court of the United States

— ♦ —
LAWRENCE MATTISON,

Petitioner,

v.

THE SUPREME COURT OF VIRGINIA,

Respondent.

— ♦ —
ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA

— ♦ —
PETITION FOR WRIT OF CERTIORARI
WITH APPENDIX

— ♦ —
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Petitioner Pro Se

QUESTIONS PRESENTED

- 1.) Whether the Double Jeopardy clause of the Fifth Amendment to the Constitution is applicable in a case when all evidence was used and dismissed in a former case then re-written and re-used to convict in a later case for stalking; in-where there is presumption that the feelings of fear are suppose to be genuine.
- 2.) Whether the doctrines of Res Judicata v. collateral estoppel, imbedded within the double jeopardy clause of the Fourteenth Amendment to the U.S. Const. Apply in a criminal case.
- 3.) Whether the Due Process clause of the Fourteenth Amendment to the U.S. Const. is applicable in a case when Sufficiency of Evidence, Conflicting Written Statements, False Statements, subsequent to a not guilty plea and the prosecution has presented no evidence of guilt, that is, on no-evidence that the accused committed a crime and allowing conviction to stand.
- 4.) Whether the Virginia Supreme Court violated these Constitutional provisions by accepting the false statements of the Commonwealth Attorney and the Virginia Court of Appeals by allowing conviction to stand.

- 5.) Whether the Virginia Supreme Court Violated the U.S. Constitutional provision of Due Process by denying the state's 'ends of justice' provision imbedded within the Due Process clause of the Fourteenth Amendment by allowing conviction to stand.

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No. _____

IN THE
SUPRME COURT OF THE UNITED STATES
October Term 2005

Lawrence Mattison,

Petitioner

v.

The Supreme Court of Virginia,

Respondent

PETITION FOR WRIT OF CERTIORARI

Lawrence Mattison, pro se, petitions for a Writ of
Certiorari to review the decision of the Virginia
Supreme Court affirming the conviction

OPINIONS BELOW

The judgments of the Court of Appeals and the
order of the Supreme Court of Virginia appear in the
attached appendix. (Appendix-1a, 13a)

JURISDICTION

This Petition to the Supreme Court of the United States will be timely filed if filed NLT December 14, 2005 based on an approved 60-day extension.

The jurisdiction of this Court invoked pursuant to 28 U.S.C. § 1254 and rule 10 of the Rules of the Supreme Court of the U.S.A.

CONSTITUTIONAL PROVISIONS, STATUTES, RULES AND REGULATIONS INVOLVED

Double jeopardy clause of the Fifth Amendment of the U.S. Const.

- a) Res Judicata v. collateral estoppel imbedded within the double jeopardy clause of the Fifth & Fourteenth Amendments of the U.S. Const.

Due Process clause of the Fourteenth Amendment of the U.S. Const.

- a) no-evidence v. insufficient evidence standard imbedded within the Due Process clause of the Fourteenth Amendment of the U.S. Const.
- b) Conflicting, false or fraudulent statements imbedded within the due process clause of the Fourteenth Amendment of the U.S. Const.

- c) Virginia supreme court rule 5A:18 ... in part deals with the 'ends of justice' exception, imbedded within the due process clause of the Fourteenth Amendment.

Virginia code 18.2-60-3; Stalking

STATEMENT OF THE CASE

Lawrence Mattison a resident of the state of Virginia, a defendant in the State Courts, a pro se litigant in the State Circuit Court and there after, and directly involved in a friendship with the initial complainant of this case (Barbara Bryson) represents to the Justices of the U.S. Supreme Court the following:

The facts and chronology are in dispute, this is a case-within-a-case, the State's whole process is a revenge for a civil suit. In the trial Court (Circuit Court of Hampton, Va.) defendant did not testify. Lawrence Mattison; defendant, (here after referred to in the personal pronoun as "I" or "Me") and Barbara Bryson; complainant, (here after referred to as "Barbara") had a relationship, the relationship broke off in September 2002 because of a broken confidence.

I kept sending emails, gifts and phone calls even after requests not to all the way into February 2003, Barbara went to a Magistrate, wrote under oath in front of a Magistrate in February 2003 the issues she represented in-def exhibit 1, **appendix-27a**

Barbara asked for Stalking but, based on her conversation with the Magistrate, she accepted a charge of Annoying Phone Calls in violation of Va. Code 18.2-429 trial was set for March 13, 2003 **appendix-25a**. Barbara, on her own feelings, after two additional emails, requested to a court by phone on March 12, 2003 to dismiss the case because she had not been bothered, **appendix-24a** that the case was dismissed by a Judge in the District Court in Hampton on March 13, 2003, **appendix-26a**

On March 21, 2003, I sued Barbara in civil Court for Abuse of Process (amended bill of Particulars) Barbara retained an Attorney and restated her claim calling it fear of death or sexual assault using ALL the previous emails, phone calls, gifts and a being-outside-her-house sighting while making call to her home and was awarded a charge of Stalking in violation of Va. code 18.2-60.3, **appendix-23a, 21a**.

On April 2, 2003. After a plea of "not guilty" I was tried and convicted in the district court of Hampton, Virginia for stalking **appendix-22a**. I appealed to the Circuit Court of Hampton Virginia and in a trial de novo, even though a Judge was alerted that all contacts stopped before the civil suit and all evidence had been used previously I was convicted, then denied reconsideration by written motion, which is allowable, **appendix-10a, 14a**.

A misstated Statement of Fact by the Commonwealth Attorney was objected to in writing, that Statement of Fact was signed by Judge Christopher Hutton even though it was inconsistent with the record

and testimony in the Circuit Court, appendix-16a thru 20a

I timely appealed the conviction, pro se, to the Court of Appeals of Virginia, that Court added further misstatements to the chronology inconsistent with the prosecuting Attorney's written statement and the record appendix-2a thru 9a. I timely petitioned for Appeal to the Supreme Court of Virginia and the conviction was affirmed without Analysis, opinion, or rulings on Constitutional / legal issues, rules of the court, no-evidence, insufficient evidence, Constitutional rights of Due Process (fraud, conflicting statements, false statements, the 'ends of justice exception), Double Jeopardy and Res Judicata.

These issues were raised in trial, indirectly and directly in a Motion for Reconsideration to the Circuit Court and a Petition for Appeal to the Virginia Court of Appeals and the Supreme Court of Virginia, all of which make this petition reviewable on Writ of Certiorari.

The only dissent in this issue was Barbara M. Keenan; Justice.

SUMMARY OF THE ARGUMENT

In a conviction for a criminal offense the State of Virginia has invoked a position that this Court has never accepted; a denial of individual rights guaranteed by the Constitution of this Country, and in some respects the State of Virginia has turned their backs on, for reasons I do not know, their own

decisions and prior court rulings. The State of Virginia's denial measured with reference to past cases, to the record in this issue, to their own definition of Stalking, and the U.S. Constitution, is not clear within the laws or anything; other than the ill-defined nature of the State Court to put a "Black mark" on it's male citizens and in turn protect lower court Judges, Commonwealth Attorneys and a the very sacred "ol' boy network" that's still alive in this court system.

Virginia Courts' actions in this case illustrates why it would be an extraordinary departure from the double jeopardy & due process clauses and rules-and-procedures of a court to not recognize how arbitrary and capricious the Virginia Court's conviction is. This is a case-within-a-case, the State's denial rests on made-up chronology, false statements, fabricated and unproffered Statements of Fact, and signatures of Judges and Court Clerks. Simply put...."I was Railroaded"

In a case for Stalking, Va. Code § 18.2-60.3, the Virginia Court has said, in part: Stalking ...ust contain three elements: Conduct, Fear of such conduct, and the intent or knowledge such conduct causes fear; and that contacts must occur on more than one occasion.... Applied and defined in Parker v. Commonwealth, 485 S.E.2d 150 (1997).

The burden of proof has, in these cases, rested on the Commonwealth:

(1) defendant must have engaged in multiple contacts.,